

**REVISED FOR OGIS FACSIMILE TRANSMISSION**

**\*\*\*\*\*Freedom of Information Act Appeal\*\*\*\*\***

**APPEAL and Response to FOIA Request to Executive Office for  
United States Attorneys – Re: FOIA-2016-03570**  
**Wednesday, February 22, 2017 - 02:52 PM**

**ATTN: Director**

**Office of Information Policy (OIP)  
United States Department of Justice  
1425 New York Avenue, NW, Suite 11050  
Washington, DC 20530-0001  
Phone: (202) 514- 3642 (FOIA)  
Fax: (202) 514-1009**

**ATTN: Office of Government Information  
Services (OGIS)**

**National Archives and Records Administration  
(NARA)  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
Phone: (202) 741-5770 /// Fax: (202) 741-5769**

**Note: The letter is still formatted the same and has the same information as the one sent in my FOIA Appeal. What I am asking for with “mediation services” with the OGIS is to determine whether the U.S. Attorney violated the law by destroying or concealing records as documented in the FOIA Response. Certain records that I know for a fact exists, the FOIA Office of the Executive Office for U.S. Attorneys is claiming that 0 (zero) documents are withheld from disclosure. That means either those records have been covered, suppressed, destroyed secretly while they are aware that I am still investigating to prove my innocence, or that somebody at the EOUSA has lied to me in their documentation. The U.S. Attorney has the motive to protect their interests, keep me wrongfully convicted, and used false information in Court documents. I accuse the U.S. Attorney of destroying and covering up records that are favorable to the Defense, myself. This FOIA request, and my FOIA Appeal (with the Declaration attached and signed by four witnesses (including a former U.S. Air Force veteran) all prove cover up in regards to my FOIA request for the discovery materials that I was never allowed access to until after I falsely plead guilty, which is subornation of perjury to compel me without any valid evidence to force me to falsely plead guilty, then when I build a case against the U.S. Attorney to exonerate myself as “actually Innocent, then the U.S. Attorney Office covers up existence of records before I could file anything to prove my Innocence and be removed from the sex offender pretender register.**

**Dear Office of Information Policy (OIP), Office of Government Information Services (OGIS),**

**Pursuant to my rights under the FOIA law, Title 5 U.S.C. § 552, Freedom of Information Act, I am filing this APPEAL Pro Se, as a respectful individual in his individual capacity, requesting review as to the response and disclosure of material requested originally from the date of receipt: July 25, 2016. As to help aid in enforcement of my FOIA Appeal, I am forwarding a copy of this letter to U.S. President Donald J. Trump at The White House, as he has vowed to help drain the swamp, to clean house of corruption within our Federal Government. Copies will be sent to media members, as well as Attorneys.**

*Request for mediation*

**I am humbly grateful for the enclosed and disclosed documents within the FOIA Response letter inside (dated February 16, 2017 ) of the envelope containing the records as per my FOIA Request. However I have some concerns, as well as legal concerns, as well as professional standards concerns in regards to the U.S. Attorney, as I will state herein what I am talking about. This is in regards to the FOIA request and is connected to my FOIA request. The appeal is in response to the FOIA letter dated February 16, 2017, and the enclosed records.**

**My FOIA Appeal is to the Executive Office for United States Attorneys, United States Department of Justice. This APPEAL is in reference to FOIA Request number: FOIA-2016-03570. I enclose FOIA response letter (Citing Enclosed Doc#: (1) 3-Page excerpt from FOIA Response envelope that had records contained within) citing the very response that I am appealing. Exculpatory evidence shall be attached to this letter, and more will be faxed or mailed to any Government Agents investigating if deemed necessary by the Government conducting the investigation.**

**This isn't just the fact that I am requesting an APPEAL of the FOIA decision by the Executive Office for U.S. Attorneys (EOUSA) within the U.S. Department of Justice, but that I am also calling for a criminal investigation by the Federal Bureau of Investigation (FBI), as well as investigation by the Office of Inspector General (OIG), and an investigation by the Office of Professional Responsibility. I shall be forwarding copies of my FOIA Appeal to them, as there is evidence of possible criminal misconduct by the U.S. Attorney Office in Greensboro, North Carolina.**

#### **FIRST FACTUAL BASIS OF APPEAL**

**I enclose a four-witness signed Declaration (Citing Enclosed Doc#: (2) 2-Page DECLARATION IN SUPPORT OF FOIA APPEAL IN REGARDS TO U.S. DEPARTMENT OF JUSTICE RESPONSE TO FOIA REQUEST NUMBER FOIA-2016-03570 (Four Witnesses signed under Oath/penalty-of-perjury that the information is true and correct)). This Declaration proves that there were additional documents within the U.S. Attorney's discovery packet of evidence, that were not withheld or even mentioned within the FOIA response letter (See Enclosed Doc#: (1)). My original FOIA Request had asked for my confession audio CD which I plan on using to prove that my criminal confession, made at Mayodan Police Department on August 29, 2012, was entirely false, that coercion was used against me. The reason I must prove my confession to be false, is because I am INNOCENT of the charge, a single count possession of child pornography.**

**It is a FACT, according to what was exchanged in the Court Transcripts in my criminal case (U.S. District Court, Middle District of North Carolina, Case # 1:13-cr-435-1, U.S.A. v. Brian David Hill), as well as the evidence that I and my family had witnessed and reviewed on January 22, 2015, discovery packet of evidence at Attorney John Scott Coalter's Office, and other records all demonstrate proof that the**

**SBI forensic report and confession audio CD does exist within the U.S. Attorney records, and should have been mentioned by Kevin Krebs, Assistant Director, as to whether it should have been disclosed to me or withheld in-part or in-full. This suggests that such records may not exist or do not exist within the U.S. Attorney's record. Both the North Carolina State Bureau of Investigation (N.C. SBI) forensic report by Special Agent Rodney V. White, and my confession audio CD of what was said on August 29, 2012, were missing from the enclosed records in the envelope containing a response and attached records, pursuant to my original FOIA Request. In addition to that, there is no mention that those records are even withheld, as it said in the February 16, 2017 FOIA response letter, that there were "0 page(s) are withheld in full (WIF). The redacted/withheld documents were reviewed to determine if any information could be segregated for release." So why are there 0 (zero) pages being withheld even though records were withheld from my request such as my false confession audio CD from Mayodan Police Department, and the N.C. SBI forensic report that were both used to indict and wrongfully convict me without any right to an effective lawyer, as I was denied an effective lawyer but instead was given a worthless lawyer (Citing Eric David Placke) that wanted to do nothing to defend me, but sell me down the river to AUSA Anand Prakash Ramaswamy.**

**Even if such missing records (confession audio CD, SBI forensic report) are subject to exemptions from disclosure, it should have been listed as a withheld record. The fact that it is not listed as a "withheld" record means that such record may not exist anymore within the U.S. Attorney's records concerning my criminal case (U.S. District Court, Middle District of North Carolina, Case # 1:13-cr-435-1, U.S.A. v. Brian David Hill).**

**I was concerned that after I had started filing complaints with the North Carolina Committees within the North Carolina General Assembly, as well as the National Commission on Forensic Science (NCFS), that some U.S. Attorney records concerning my criminal case would be covered up or disappear, or be destroyed as those records that had contained evidence that could help to exonerate me as actually innocent.**

**So if the FOIA Office does not have any reason to believe that the SBI forensic report exists, that the confession audio CD exists, then the U.S. Attorney Office may have decided to expunge and cover up any records that may help to prove my actual Innocence and cover up or wipe any evidence that I can use against the U.S. Attorney to be found "not guilty" at any future Jury Trial or 2255 proceeding that I may request at my sole discretion, to relieve me from my wrongful conviction.**

**In a phone conversation that I had on-record with somebody at the Executive Office for U.S. Attorneys FOIA Office, it was said that a paralegal would be sent down to the U.S. Attorneys to look for the records that I requested in one of my FOIA Requests. If the enclosed papers, is all that exists within my case files, then that means all other evidence records have disappeared within the U.S. Attorney Office and there is explanation as to why they may have disappeared, as to why they are not listed or even**

numbered as withheld documents. So if the paralegal was told that only certain records exist, as I have received fully and in-part, then certain records were not disclosed to the paralegal that was looking for such records, making it appear as though the records I got is all there is in my criminal case discovery packet of evidence, that was used against me, that led to me being indicted then it caused me to be forced into falsely pleading guilty putting me at risk of a perjury charge under Rule 11 of the Federal Rules of Evidence, with a lousy good-for-nothing court appointed lawyer. None of this is lawful, none of this is Constitutional, and none of it is Justice. If I had been OJ Simpson, I would have got a fair trial, even if I was guilty, and I could prevail due to having lots of money. Of course I don't have lots of money.

### OPINION AND WITNESS TESTIMONY

Since my wrongful conviction, Nobody is listening to me in law enforcement, no matter what evidence I had faxed or mailed to any officer or Agent, nobody wants to listen to me in my bid for me proving my innocence. I have a personal reason to believe that North Carolina State Senator Philip Edward Berger or even Mayodan Police Chief Charles J. Caruso to be involved somehow, with me being possibly being framed with child porn, with the U.S. Attorney playing dirty games to ensure that I become a convicted sex offender just as the threatening emails, that were sent to me from tormail.org, has instructed me and my friends in 2013. The threatening emails not only had came true within due course of time, but the threatening emails went as far as 2013 online reports of child porn being emailed to friends on my admin@uswgo.com contact list such as Luke Rudkowski, Stewart Rhodes, Dan Johnson, and a few others. I gave that admin@uswgo.com email password to the police detectives in 2012, which is odd. No matter how much evidence I and my other friends have, no matter what witness statements may have been exchanged, I was still wrongfully convicted and forced to register as a Sex Offender in the Commonwealth of Virginia, for a crime that I was framed on, for a crime that I did not commit, all at the direction of former Rockingham County District Attorney Phil Berger Junior, who also supports Guantanamo Bay, Cuba, Camp Justice, which is a torture facility and may be under the direction of the CIA as a black site for terrorism suspects. Of course the U.S. Attorney accused me of being behind the threatening emails of tormail.org without any proof, even though the claims in such threatening emails did not come to pass until years after 2013, and such threats being carried out were mainly by people working within the U.S. Attorney, U.S. Marshals, the U.S. District Court, Appellate Attorney Mark Jones, and U.S. Probation Office (in reference to the actions directly and indirectly caused by USPO Kristy L. Burton).

The point I am making is that, I have a right to prove my actual innocence under my Constitutional right of the Writ of Habeas Corpus, and not be hit with all of these brick walls set by the U.S. Attorney, to keep me, a virgin, as a false registered sex offender.

**U.S. ATTORNEY MAY HAVE VIOLATED FEDERAL LAWS, IF EVIDENCE**

**RECORDS WERE COVERED UP, DESTROYED, OR FALSIFIED INFORMATION**

If the U.S. Attorney Office lied to the paralegal that only the Mayodan Police Report, Inventory, my Pre-Sentence Investigation Report (PSR), and Mayodan Police photos were all that was found within the records of the U.S. Attorney office pursuant to my FOIA Request for a copy of my entire discovery packet (incl. confession audio CD and SBI forensic report), then records may have been covered up by the U.S. Attorney, and may have lied to the paralegal about the true amount of pages that could have been found pursuant to my FOIA Request.

**TITLE 18 - CRIMES AND CRIMINAL PROCEDURE**

**PART I - CRIMES**

**CHAPTER 73 - OBSTRUCTION OF JUSTICE**

**§ 1519. *Destruction, alteration, or falsification of records in Federal investigations and bankruptcy***

*Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.*

If the U.S. Attorney has attempted to cover up the SBI forensic report and the confession audio CD, that was used to indict and convict me, especially since I had given notice to the U.S. Attorney that I intend to remove myself off the Sex Offender Registry by proving my actual Innocence, then evidence was covered up within the Federal Government's own records in an attempt to retain the wrongful conviction and prevent me from proving my Actual Innocence. If the U.S. Attorney attempted to cover up or disappear any records of evidence that was originally used against me to indict and convict me, because it is inconvenient to the Government that I be found innocent, then the U.S. Attorney Office I believe has violated Title 18, Chapter 73, § 1519, by altering, destroying, or removing records that may prove innocence in a criminal case.

**TITLE 44 - PUBLIC PRINTING AND DOCUMENTS**

**CHAPTER 31 - RECORDS MANAGEMENT BY FEDERAL AGENCIES**

**§ 3106. Unlawful removal, destruction of records**

*The head of each Federal agency shall notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Archivist shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from another Federal agency whose records have been transferred to his legal custody. In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.*

Technically, the U.S. Attorneys Offices are under the umbrella agency known as the U.S. Department of Justice, a "Federal agency". If records are secretly destroyed or just simply don't exist after they were originally used against me by that U.S. Attorney, then the U.S. Attorney may have removed, destroyed, concealed, or intended to destroy or conceal any such records.

In the entire time-line of my criminal case, from 2013-2015, I am aware that U.S. Attorney Ripley Rand, and Assistant U.S. Attorney Anand Prakash Ramaswamy was technically the prosecuting Attorneys in my criminal case. If anyone within the U.S. Attorney Office has ever attempted to cover up any evidence that would help to benefit me in resolving the issues in my case, to help prove my actual Innocence, then they may have attempted to defraud the United States and one or more of its agencies and departments, that is, to impair, obstruct, and defeat the lawful function of the U.S. Department of Justice by dishonest means. The wrongful conviction results by bad evidence and false information used against me.

#### PRE-SENTENCE INVESTIGATION REPORT (PSR)

It is also incorrect, the statement on Page-3 of the FOIA response letter.

*[ XX ] A copy of your Pre-Sentence Investigation Report (PSR) has been found in the material located in a United States Attorney's Office. It appears that you are an inmate in a Federal correctional facility, which is under the jurisdiction of the Bureau of Prisons. Access to your PSR therefore will be granted in accordance with the enunciated policy of the Bureau of Prisons.*

"It appears that you are an inmate in a Federal correctional facility..."

That is INCORRECT, as my current living address is 310 Forest Street, Apartment 2, Martinsville, VA 24112, as was this address at the time that my FOIA Request was filed, and when it was received on July 25, 2016. To be defined as a "federal inmate" living within a "Federal correctional facility" I would have to be residing within a Federal Correctional Institution or U.S. Penitentiary. When I was being mentally evaluated in 2014, I was residing within a Federal Correctional Institution in Butner, NC, but have been released from FCI-1 Butner, NC, back into the County Jail pending the Status Conference on June 4, 2014. Later on I had falsely taken the guilty plea on June 10, 2014, due to a bad lawyer, and was released from Jail on a sentence of time already served. Since November 12, 2014, I have been released under the sentence of Supervised Release by the U.S. Probation Office. My home, and being supervised by a U.S. Probation Officer, does not constitute being in a "Federal correction Institution". I do not have a Unit Team, I live in a Apartment and my Probation Officer is allowing me to live in my own Apartment. It is not a Federal prison, and does not operate under the legal purview of the U.S. Federal Bureau of Prisons.

Since it is not the truth that I am currently since Nov. 2014, "an inmate in a Federal correctional facility..." Since my FOIA Request was written from myself, as a person living in my own Apartment, that is not under the jurisdiction and purview of the FBOP, I am not a federal inmate living within a "Federal correctional facility". Therefore I request that the decision on my PSI be revised. The decision that I am "an inmate" in a "Federal correctional facility" needs to be revised to the truth, that I am not in prison at this time, and have not been in prison at the time that I filed my original FOIA request in 2016.

I like to receive a written response after successfully receiving and processing this FOIA APPEAL as per the U.S. DOJ EOUSA's response to my FOIA request. I request a written response from the appropriate parties listed above upon successful receipt of this letter and attached Enclosure/Attachments.

The U.S. Attorney may have lied concerning the records that were withheld from my FOIA Request, I have the moral high ground as proving actual innocence (as Writ of Habeas Corpus compels) is my legal right as apart of the adversarial process of the Judicial branch. Proving my actual innocence is top priority and prevents me from falsely registering as a Sex Offender every single year. Not even John Walsh would be grateful to see virgins and frame up victims on his lobbied Sex Offender Registry law. Even the Virginia State Police doubts the legitimacy of my criminal conviction, and that's all I am going to say on that without going into details. Even my Probation Officer believes that I am Innocent, as the evidence continues to grow proving my factual innocence, little by little. So even the Federal Probation Officer and other Government employees doubt the legitimacy of my criminal conviction. I have the moral high ground and legal rights as per this FOIA Request. The U.S. Attorney has used coercion and dirty tricks to force me to falsely plead guilty under Oath. This is not how the legal system is supposed to work. I will appeal this up the chain of command, then sue the Federal Government under violation of FOIA and violation of my civil rights, as well as sue for cruel and unusual punishment, and sue for violation of my right to a fair trial and adversarial system if there is no resolution. I will also be documenting then reporting the U.S. Attorney for possible destruction of evidence and/or records that are favorable to the defense. I will prove this with private investigators, then Donald Trump will drain the swamp of the corruption and law violations of the U.S. Attorney Office in Greensboro, North Carolina.

Brian D. Hill  
Signed

**U.S.W.G.O.**

Thank You & Sincerely,

Brian D. Hill

Former news reporter & Founder of USWGO Alternative News

Home Phone #: (276) 790-3505

310 Forest Street, Apt. 2. Martinsville, VA 24112

**Enclosure/Attachments:**

- (1) 9-Page (FOIA Request to US Attorney and EOUSA(Signed, READY to FAX) {2016-08-29})**
- (2) 2-Page (FOIA Request to EOUSA(2)(Signed, READY to FAX) {2016-07-25}) –**  
**Note: It appears that this FOIA Request was combined with the 9-Page FOIA Request dated August 29, 2016**
- (3) 3-Page excerpt from FOIA Response envelope that had records contained within.**
- (4) 2-Page DECLARATION IN SUPPORT OF FOIA APPEAL IN REGARDS TO U.S. DEPARTMENT OF JUSTICE RESPONSE TO FOIA REQUEST NUMBER FOIA-2016-03570 (Four Witnesses signed under Oath/penalty-of -perjury that the information is true and correct).**

**Total enclosed Pages: 16-Pages**

*OGIS, please mediate and investigate records/evidence cover up, concealment, or destruction within U.S. Attorney Office in Greensboro, NC.*



**FOIA Request to Executive Office of United States Attorneys**  
**and US Attorney Office of Greensboro, NC**

**Monday, August 29, 2016 - 12:33 AM**

FOIA/Privacy Unit (FOI/PA)  
Executive Office for United States Attorneys  
U.S. Department of Justice  
Bicentennial Building  
Room 7300, 600 E. Street, N.W.  
Washington, DC 20530-0001  
Phone: (202) 252-6020  
Faxed to: (202) 252-6047

CC: U. S. Attorney's Office  
ATTN: Ripley Rand  
Middle District of North Carolina  
101 S. Edgeworth St., 4<sup>th</sup> Floor  
Greensboro, NC 27401  
Phone: (336) 333-5351  
Faxed to: (336) 333-5381

RECEIPT CONFIRMATION REQUESTED
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Dear Susan B. Gerson, Acting Assistant Director, Freedom of Information & Privacy Staff,

Pursuant to Title 5 U.S.C. § 552, Freedom of Information Act, I am filing this request Pro Se, as a respectful individual in my individual capacity, requesting copies of all records from my Discovery packet in my criminal case United States of America v. Brian David Hill. Docket # 1:13-cr-435-1. Case closed November 12, 2014.

**WHAT I'M REQUESTING WITH FOIA:**

The records I am requesting are copies of my Discovery Packet of evidence pursuant to my Federal criminal case which includes the original audio CD containing my confession to Mayodan Police on August 29, 2012, SBI forensic case file Subject/Suspect was Brian David Hill and SBI Case File # 2012-02146, Mayodan Police Report on suspect Brian David Hill incl Search Warrant and Inventory dated August 28 and 29, 2012, and the Mayodan Police document to which I signed my confession on August 29, 2012. The records I am requesting is all in regards to myself "Brian David Hill" as the Defendant in the criminal case United States of America v. Brian David Hill, Docket # 1:13-cr-435-1, in the U.S. District Court for the Middle District of North Carolina.

**REASON WHY FOIA:**

The reason I am requesting such records are simple. I had ineffective assistance of Counsels (Eric David Placke and John Scott Coalter) in violation of my Sixth Amendment of the U.S. Constitution which backs this FOIA Request. I am and was the Defendant in this criminal case. I was never allowed to even see all of my Discovery packet of evidence requested from the U.S. Attorney pending trial in 2014. I finally did get to see all of the Discovery evidence of my case, for a short period of time on January 22, 2015, months after my final criminal conviction. I am attempting to investigate my criminal case, on a Pro Se basis, to prove my Actual Innocence. I cannot prove my Actual Innocence to my original criminal conviction without access to the original Discovery evidence that was requested by Assistant Federal Public Defender Eric David Placke. Placke secretly

negotiated, without my consent, that I was not allowed to make copies/photocopies of any evidence and I was not allowed to grant independent expert witnesses to have access to the criminal evidence that was used to indict and convict me. I kept filing Pro Se Motions excessively, even annoying Judge Osteen, until Placke was out of my case. Judge Osteen had finally forced Placke out of my case, and then appointed John Scott Coalter. However at that point my health was deteriorating in violation of my 8<sup>th</sup> Amendment Constitutional right against "cruel and unusual punishment," and in violation of the Americans with Disabilities Act Federal Law (Title 42 U.S.C. § 12132, Title II). I was tortured in Orange County Detention Center, Guilford County Detention Center, and Forsyth County Detention Center due to being given half or inadequate amount of my needed diabetic insulin. I was tortured with high blood sugars every-time I appeared in the Courtroom. This I will swear under Oath. Because my A1C was reported as 10.9 which I reported to Federal Judge Osteen, because my weight was dropping to 140lbs at the time, I had no choice but to stick with my guilty plea, and bail on withdrawing my guilty plea in November of 2014. It had got so bad that the U.S. Marshals Service Deputies was forced to transport me to Moses H. Cone Hospital on November 7, 2014, as proof that I was tortured in the County Jails by being denied proper and adequate medical attention. When my blood sugars ran consistently high, my weight was dropping to dangerous levels which normally happens with those who refuse to eat, however I did eat my meals but my body refused to absorb the meals due to not being given adequate insulin to cover the carbohydrates. I was tortured into my guilty plea, and I can be tortured again if I am thrown back in Jail to face another Trial, since the Jails have very poor healthcare.

This is August 29, 2016, and now I am free from Jail but am suffering under a Sentence that I should not be forced to serve. To avoid continual torture, I had to plead guilty, to protect my kidneys from failing, and to keep myself from going into a coma.

So now I am looking to prove Actual Innocence by investigating the truth. I am also attempting to find lawyers to acquire independent expert witnesses to investigate into the evidence used against me in my criminal case, for the purpose of proving my Actual Innocence. I cannot prove my Actual Innocence without access to the original evidence that was used to indict me, and the original evidence that was acquired by Eric David Placke. I saw that the evidence was transferred over to John Scott Coalter, after he became my last Trial Attorney. Because of being tortured by being given inadequate insulin to the point where I was Hospitalized, I wasn't in good health and would have died if I had continued fighting my Plea bargain, this I can prove beyond doubt.

After my final conviction, after January 22, 2015, I was not allowed to make copies of any Discovery material and he terminated his services from my case. Now I have no lawyer with access to my Discovery evidence Packet that I was entitled to, to create a Defense for Trial in 2014.

I need access to my Discovery Packet to help prove my Actual Innocence, to prove that I made a false confession. I found that it is impossible to prove my false confession without access to the original Discovery Evidence Packet. This FOIA Request isn't the normal usual FOIA Requests. I was never given access to all of my Discovery evidence Packet before the Trial. I was only allowed to review over a few pages, and my confession

**audio in Placke's attempt to deter me from taking it to a Trial, but was not allowed to review over any of the rest of the Discovery packet of evidence papers to be used at my Trial.**

**LEGAL GROUNDS:**

**I am declaring my intent to prove my Actual Innocence and the need for all Discovery packet of evidence is needed to gather enough evidence to prove my Actual Innocence to my conviction. I need the original evidence to inspect, make copies of, and/or present to expert witnesses to examine the original evidence of guilt to determine my guilt or innocence. Such expert witnesses include audio experts to examine the "audio CD" of my confession made on August 29, 2012, at the Mayodan Police Department in North Carolina, to determine if the confession audio has been cut or altered or modified from the original recording of the interrogation. A psychologist or social scientist to determine my false confession and it's cause (Autism, Diabetes, OCD, anxiety disorder) and whether any coercion was used to make me falsely confess. The SBI report is needed to be cross examined/referenced to help determine my false confession.**

**So my Legal ground are my Habeas Corpus privilege to review over my Discovery packet of evidence to determine if I have enough ground to prove Actual Innocence basis. I cannot prove Actual Innocence yet until I have access to the discovery papers again. I cannot file a claim for Actual Innocence until I have the evidence and ground for such, otherwise my 2255 Motion will fail without a hearing. Also an Innocence Clinic is interested in my case and would like to look at the evidence used against me. I would like to do this without filing a Habeas Corpus lawsuit for Discovery packet evidence.**

**Therefore I assert under FOIA Title 5 U.S.C. § 552, U.S. Constitution Writ of Habeas Corpus privilege, and I assert my right to Due Process (that I was never given while in Jail and given ineffective assistance of Counsels). As a Defendant, I have a right to have access to discovery Packet of evidence, if justice so requires, to help prove my Actual Innocence. No expert witness will be credible enough to prove my Actual Innocence if they are denied access to my Discovery Packet of evidence papers, they can't make such a credible claim of Factual Innocence. I cannot assert Actual Innocence with no evidence. It is critical that I get access to my Discovery Packet again.**

**Component:**

**The records are for the component of the U.S. Attorney Office at 101 S. Edgeworth St., 4th Floor, Greensboro, NC 27401, which serves as the Government Attorney for the U.S. District Court for the Middle District of North Carolina, under Ripley Rand. The federal case is now closed and has been closed since November 12, 2014.**

**The Fee Category I am filing this request through is as follows:**

**Public Interest of outcome: This FOIA Request is pertinent to investigating the**

**truth, and help to prove Factual Innocence to assert my Actual Innocence. Without the Discovery Packet of papers from my case, I cannot prove my Actual Innocence nor assert a credible claim of Factual Innocence. Because I am wrongfully convicted and falsely on the Virginia Sex Offender Registry, because media has interviewed me and believes that I am Innocent of the crime, faith in the Sex Offender Registry pursuant to the Adam Walsh Act has FAILED. Faith in the Sex Offender Registry will continue to fall as long as my criminal conviction and other wrongful convictions are allowed to stand without having any right to challenge it. By reviewing and inspecting over my original Discovery evidence, I can prove my Innocence and be removed from the Sex Offender Registry, thus restoring confidence in such Registry, to protect the public thus has the public interest.**

**I was interviewed by various alternative news reporters and radio show hosts. I was invited on to shows such as the Bob Tuskin Show(as a Call-In guest), Freedomizer Radio(as a Call-In guest), Pete Santilli's podcast show(as a Call-In guest), Mike Serour's radio show "Serour Strikes Back" (as a Call-In guest), Eric Wilkenson's "Spitfire and the Sentinels" (as a Call-In guest), and others. I have also been interviewed by news reporters such as Steve Green of the Orange County Register, Aaron Kesel of We Are Change. I also will bring my criminal case to the attention of the News & Record of Greensboro region, and they told me they have taken an interest in my case once I overturn my criminal conviction or file something that they can cover in their paper.**

**Aaron Kesel has also informed my mother that he will be doing a update news article about my criminal case. Aaron Kesel's credentials are of the WeAreChange.org news website. We Are Change has also played a role on reporting various news stories which include Presidential Candidate Donald Trump. I have even sent a FAX to candidate Trump asking him to pardon me if I can prove my Actual Innocence, since innocent people shouldn't be registered Sex Offenders. Because of the media interest and the public interest in removing me from the Virginia Sex Offender Registry for falsely being on it due to being tortured in the County Jails, I ask for a waiver in the fees for the "public interest" category. I also used to be a news reporter with USWGO Alternative News until Mayodan Police retaliated against me after I was framed with child pornography via PC Virus. I can prove all of this in not just a Declaration/Affidavit but also with evidence exhibits if necessary.**

**Disability and indigent status: So the request is pertinent to investigating the truth. I am indigent and qualify under Social Security to receive SSI Disability income, and that I qualify for a caretaker under Virginia Medicaid. Since I live off of SSI disability, I like to be notified in advance, if I have to pay any fees per this FOIA request. It is a must, especially if this FOIA Request costs may go into hundreds, that I be notified of the cost before receiving all records of my Discovery packet. I am also indigent in Federal Court under the Criminal Justice Act, under the CJA Voucher program.**

**A "Certification of Identity" will be attached to this letter and the "Declaration(Statement under Penalty of Perjury): Release Statement." All shall be in order to prove my identity**

and to explain the reasons why I should get the Fee Waiver for Public Interest and Media Involvement. Also the legal reasons are explained why I am filing this FOIA Request for my Discovery packet of papers and audio CD of my confession.

I like to receive a written response after successfully receiving and processing this FOIA Request. I request a written response from the FOIA Unit and from U.S. Attorney Ripley Rand upon successful receipt of this letter and attached Certification of Identity, and attached "Declaration(Statement under Penalty of Perjury): Release Statement."

*Brian D. Hill*  
*Signed*

**U.S.W.G.O.**

Thank You & Sincerely,

Brian D. Hill

Former news reporter & Founder of USWGO Alternative News

Home Phone #: (276) 790-3505

310 Forest Street, Apt. 2. Martinsville, VA 24112

**(Attachment to 5-page Letter)**  
**Declaration(Statement under Penalty of Perjury):**  
**--Release Statement--**  
**Declaration authorized by Title 28 U.S.C. § 1746**

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am a Defendant in the United States District Court, for the Middle District of North Carolina, case # 1:13-cr-435-1, titled: United States of America v. Brian David Hill, and I still have not exhausted both the 2255 Motion via Writ of Habeas Corpus and Motion for New Trial under Rule 33 of the Federal Rules of Criminal Procedure. I am not a licensed attorney, but I am slowly learning more about the Federal Rules and filing procedures as I feel I am not being represented by any of the Court Appointed lawyers in the past for trial Defense under the adversarial system, See Strickland v. Washington (1984 ruling).
2. I declare that I am Brian David Hill, that I am currently a U.S. Citizen, and that I am born on May 26, 1990. My SS# is (b) (6)(b) (6)
3. I am requesting records on myself. I am the person that is seeking the records of myself. The records of myself in which I am seeking are records to which to aid in me proving my Actual Innocence. These records are essential to proving my Actual Innocence, and without them I have no chance at gathering enough evidence in proving Actual Innocence before filing my 2255 Motion. Such records will aid me in proving that I had made false confession statements on August 29, 2012, to Mayodan, NC, Police Detective Christopher Todd Brim and Reidsville, NC, Police Detective Robert Bridge. I have to assert my right to cross examine/reference the witnesses and evidence statements to prove my Actual Innocence. I was never given a right to cross examine/reference the evidence materials and witnesses prior to my Jury Trial on June 10, 2014, and would have lost my criminal Trial by default without a effective assistance of Counsel.
4. I was not allowed to see all of my criminal Discovery packet of evidence that was used against me in my criminal case. Eric Placke, my ex-attorney, lied to me that me and him "would go over the discovery evidence together." He didn't show me the important things in the SBI Case File, and in fact I never saw the SBI Case File in 2014. I never got to see the Mayodan Police Report until after my conviction. I only got to hear my confession and review over a few pages before Placke convinced me that I should go for Pretrial Diversion Program then later he convinced me to falsely take the guilty plea without challenging any shoddy forensic evidence. He deceived me into thinking the FBI had a forensic report in my Discovery packet but saw no such thing in John Scott Coalter's Office on January 22, 2015, after my criminal conviction that was made final on November 12, 2014. I was confused and that led me to being wrongfully diagnosed as a pedophile by Dr. Dawn Graney(later ruled out) and wrongfully diagnosed as delusional disorder(before my wrongful conviction). I tried to challenge that disorder but the Court refused to Rule Out that diagnosis because I had no statutory authority for it due to my wrongful conviction. I was confused because I never read most of the Discovery papers of the Packet for my case before the Trial. The Jury would not have been convinced because I didn't even know what was in most of my Discovery Packet until after I was convicted. I would have lost the

**Trial if I had not falsely plead guilty, and I mean FALSELY PLEAD GUILTY.**

- 5. I grant myself permission to request records that contain personal and confidential information on myself. I also need copies of the criminal Discovery packet of evidence to show independent expert witnesses so that they can determine my factual innocence or guilt before I file my 2255 Motion. I cannot file the 2255 Motion until I have facts of Innocence, and I cannot determine credible facts of my innocence without access to my discovery packet of evidence.**
- 6. I live off of my SSI disability and I do not work a job. So I live off of a limited income. I am disabled. I am qualified under the Federal CJA Voucher program to be considered indigent enough to have a court appointed lawyer.**
- 7. One of the Innocence Clinics in North Carolina, as apart of a University School of Law, has taken an interest in my case. To protect that University from being wrongfully influenced into quitting my case, I will not disclose the name of the University Innocence Clinic due to fear of influence and the risk of possible threats against the University as a consequence of me disclosing this information to third parties. That Innocence Clinic has an interest in proving my Actual Innocence so that I can be removed from the Virginia Sex Offender Registry. The students will soon evaluate my case from what I understand. I hope that they will adopt my FOIA Request to get access to my criminal case Discovery evidence, or they may have another legal method to compel Discovery. For me, I have an interest in convincing the University that I am Actually Innocent and can prove it. For that I need access to my criminal case Discovery packet of evidence.**
- 8. I am involved with members of the media by corresponding with them. So far I have convinced We Are Change (WeAreChange.org) news reporter Aaron Kesel to investigate my case, and receive emails from my Mother with PDF rendered copies of my letters, faxes, and other important legal documents. He has published an article and is willing to write update news articles as my criminal case progresses. I had also contacted the New York Times earlier this year. Last year I had contacted news reporter Steve Green of the Orange County Register to mention about my criminal case, which he reviewed over my court case docket papers on PACER.GOV. Mr. Green was formerly of the Las Vegas Sun newspaper in Las Vegas, NV. The Greensboro News & Record newspaper has also taken an interest in my criminal case, and one reporter told me that once I file a Motion to challenge my conviction that I should contact them to get them to talk about my criminal case in the paper there. I have spoke with many people who are alternative media, and have also tried to talk to regular media to get them all involved in my criminal case. Because several news reporters or news agencies are interested in covering facts of my criminal case, they are presenting credible information to the general public. So there is a media interest and public interest in me proving my Innocence, and for that I needed to file this FOIA Request. Since the criminal case is closed, I have no legal means to request Discovery in my criminal case until I file a Motion. I cannot file a credible claim of Innocence in my Motion until I review over my criminal case Discovery Packet of evidence. I need to get access to what was given to my Assistant Federal Public Defender Eric David Placke, who failed me as Legal Counsel in regards to proving my Innocence.**
- 9. I have also appeared on various radio shows. I have called in to Free Talk Live multiple times which are operated by radio hosts Ian Freeman and others, in regards to disclosing information about my criminal case. I also called into Freedomizer Radio to talk on one guy's radio show about my criminal case. I called into the Bob Tuskin Show to talk about**

my criminal case. I called into "Serour Strikes Back" show to talk about my criminal case. I called into "Three Minutes to Midnight" radio show by Laurie about my criminal case. I called into "Spitfire and the Sentinels" show about my criminal case. I called into Pete Wichert's show for an interview about my criminal case. They are also considered media since they had interviewed me and conducted research into my criminal case before reporting on the matter. I consider them media as I believe the Constitution's "Free Press" clause refers to reporting facts to the general public. I also believe that the Constitution's "Freedom of Speech" clause applies to opinions of the facts to the general public. All radio shows I had called into are protected under the First Amendment of the U.S. Constitution. Since all of them have an interest in the outcome of my criminal case, in me proving my Actual Innocence to possession of child pornography by proving Affirmative Defense of Frame Up (Innocence), and the public interest in me proving my Actual Innocence far outweighs the need of the U.S. Attorney to keep my criminal case Discovery packet of evidence secret from me, and their need to prevent me from having independent expert witnesses review such Discovery evidence.

10. I am a virgin, I never had sex with anybody, I have done nothing to a child, and yet I am on the Virginia Sex Offender Registry. I have Autism Spectrum Disorder, Obsessive Compulsive Disorder, Generalized Anxiety Disorder, and Type 1 Brittle Diabetes. I have suffered health deterioration, had attempted to commit suicide on December 2013, and suffered loss of property including my personal vacation photos and vacation trip photos that are irreplaceable on all forfeited property since the U.S. Government has refused to distinguish illegal files from legal files. The U.S. Government will not give me my legal files back while I am wrongfully convicted. My family has noticed that my health deterioration has accelerated and my OCD routines have worsened significantly all because of the stress and anxiety of being wrongfully convicted in my criminal case. People that see me on the Registry give me dirty looks and have discriminated against me for being wrongfully convicted as a result of being too poor to afford a good private lawyer. Me and my whole family feel the judicial system isn't credible and doesn't convict real criminals anymore or we believe that they convict innocent people as well as the guilty, since my conviction. Everyone I know has lost faith in the judicial system when they hear of my criminal case, or they still think that I can challenge my criminal conviction and have fought to try to get me a private lawyer since the court appointed lawyers won't do anything to prove my Actual Innocence and just wants me to stick with my guilty plea. My families faith in the Federal Courts is non-existent and we want reform. The Sex Offender Registry has deteriorated in credibility of trapping and punishing real child molesters and rapists. Putting Frame Up victims and innocent people on the Sex Registry diminishes it's credibility and reliability in warning people of potential predators. I no longer believe in the Sex Registry and now tell people that it is a joke that the Government uses to harass and take away peoples rights. I'm even tempted to bring the issues of this Registry to the framers of the Registry. The law brings NO Justice to Frame Up victims and Innocents. To restore faith and credibility of the Registry, to restore public confidence in the Sex Offender Registry, I need to prove Actual Innocence, and for that I need this FOIA Request.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on August 29, 2016.

*Brian D. Hill*  
*Signed*

Signed  
Brian David Hill(Pro Se)  
310 Forest St., Apt. 2  
Martinsville, VA 24112  
Phone #: (276)790-3505





**Privacy Act Statement.** In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Director, Facilities and Administrative Services Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester Brian David Hill

Citizenship Status 2 U.S. Citizen Social Security Number 3

Current Address 310 Forest St., Apt. 2, Martinsville, VA 24112

Date of Birth May 26, 1990 Place of Birth Orlando, FL

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature: Brian D. Hill Date: Aug 29, 2016  
Signed

**OPTIONAL: Authorization to Release Information to Another Person**

**This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.**

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

### Print or Type Name

**<sup>1</sup> Name of individual who is the subject of the record sought.**

<sup>2</sup> Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

**3 Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.**

<sup>4</sup> Signature of individual who is the subject of the record sought.

**FOIA Request to Executive Office for United States Attorneys**

**Monday, July 25, 2016 - 02:39 PM**

Susan B. Gerson, Acting Assistant Director  
FOIA/Privacy Unit  
Executive Office for United States Attorneys  
U.S. Department of Justice

Room 7300, 600 E. Street, N.W.  
Washington, DC 20530-0001  
Phone: (202) 252-6020  
Faxed to: (202) 252-6201 (please FWD)

Dear FOIA/Privacy Unit,

Pursuant to Title 5 U.S.C. § 552, Freedom of Information Act, I am filing this request Pro Se, as a respectful individual in his individual capacity, requesting a small number of specific records, if such records exist and can be located.

The records I am requesting are any copies of email records, documents, memos, fax records, digital records, and voice messages. The records I am requesting is in reference to "Brian David Hill" and any cases or research involving "Brian David Hill" between the dates, January 2012 to August 2012. Any exchanges between the U.S. Attorney and anybody between those dates.

The records are for the component of the U.S. Attorney Office in Greensboro, N.C., under Ripley Rand. The federal case is now closed and has been closed since November 12, 2014.

The Fee Category I am filing this request through is as follows:

Disability and indigent status: The request is pertinent to investigating the truth. I am indigent and qualify under Social Security to receive SSI Disability income, and that I qualify for a caretaker under Virginia Medicaid. Since I live off of SSI disability, I cannot afford any fees over \$75. So I like to be notified in advance, if I have to pay any fees per this FOIA request.

I like to receive a written response after successfully receiving and processing this FOIA Request. I request a written response from the FOIA Unit upon successful receipt of this letter and attached "Declaration(Statement under Penalty of Perjury): Release Statement."

*Brian D. Hill*  
*Signed*

**U.S.W.G.O.**

Thank You & Sincerely,  
Brian D. Hill

Former news reporter & Founder of USWGO Alternative News  
Home Phone #: (276) 970-3505  
310 Forest Street, Apt. 2. Martinsville, VA 24112

(276) 790-  
3505

**(Attachment to 1-page Letter)**  
**Declaration(Statement under Penalty of Perjury):**  
**--Release Statement--**

Declaration authorized by Title 28 U.S.C. § 1746

I declare that I am Brian David Hill, that I am currently a U.S. Citizen, and that I am born on May 26, 1990.

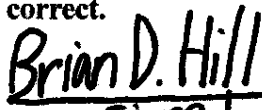
My SS# is (b) (6)(b) (6).

I am requesting records on myself. I am the person that is seeking the records of myself.

I grant myself permission to request records that contain personal and confidential information on myself.

I live off of my SSI disability and I do not work a job. So I live off of a limited income. I am disabled.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on July 25, 2016.

  
Signed

Signed

Brian David Hill(Pro Se)  
310 Forest St., Apt. 2  
Martinsville, VA 24112  
Phone #: (276)790-3505



U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

Suite 7300, Bicentennial Building  
600 E Street, NW  
Washington, DC 20530

(202) 252-6020  
FAX (202) 252-6047

February 16, 2017

Brian D. Hill  
310 Forest St., Apt. 2  
Martinsville, Virginia 24112

Re: Request Number: FOIA-2016-03570 Date of Receipt: July 25, 2016  
Subject of Request: Self

Dear Mr. Hill:

Your request for records under the Freedom of Information Act/Privacy Act has been processed. This letter constitutes a reply from the Executive Office for United States Attorneys, the official record-keeper for all records located in this office and the various United States Attorneys.

To provide you with the greatest degree of access authorized by the Freedom of Information Act and the Privacy Act, we have considered your request in light of the provisions of both statutes.

The records you seek are located in a Privacy Act system of records that, in accordance with regulations promulgated by the Attorney General, is exempt from the access provisions of the Privacy Act. 28 CFR § 16.81. We have also processed your request under the Freedom of Information Act and are making all records required to be released, or considered appropriate for release as a matter of discretion, available to you. This letter is a [ X ] partial [ ] full denial.

Enclosed please find:

68 page(s) are being released in full (RIF);  
26 page(s) are being released in part (RIP);  
0 page(s) are withheld in full (WIF). **The redacted/withheld documents were reviewed to determine if any information could be segregated for release.**

The exemption(s) cited for withholding records or portions of records are marked below. An enclosure to this letter explains the exemptions in more detail.

(B)(6)  
(B)(7)(c)  
(B)(7)(d)  
(B)(7)(e)



☐ In addition, this office is withholding grand jury material which is retained in the District.

☐ A review of the material revealed:

☐ Our office located records that originated with another government component. **These records were found in the U.S. Attorney's Office files.** These records will be referred to the following component(s) listed for review and direct response to you:

☐ There are public records which may be obtained from the clerk of the court or this office, upon specific request. If you wish to obtain a copy of these records, you must submit a new request. These records will be provided to you subject to copying fees.

☐ Please note that your original letter was split into separate files ("requests"), for processing purposes, based on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response:

☒ See additional information attached.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may contact our FOIA Public Liaison at the telephone number listed above for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Kevin Krebs  
Assistant Director

Enclosure(s)

Supplemental Page Pertaining to Presentence Investigation Reports

[ XX ] A copy of your Pre-Sentence Investigation Report (PSR) has been found in the material located in a United States Attorney's Office. It appears that you are an inmate in a Federal correctional facility, which is under the jurisdiction of the Bureau of Prisons. Access to your PSR therefore will be granted in accordance with the enunciated policy of the Bureau of Prisons.

The Bureau of Prisons policy with respect to Pre-Sentence Reports is that effective November 2, 2002, for safety and security reasons, inmates in Federal correctional facilities may not obtain or possess photocopies of their Pre-Sentence Reports (See Reissued Program Statement No. 1351.05, Release of Information September 19, 2002)). However, their policy provides you with a reasonable opportunity to access and review your PSR locally. The procedure is to make a request through your Unit Team to access and review your records, as provided by the above-referenced Program Statement. If you have any further questions about the Bureau of Prisons policy, please contact your Unit Team.

# **DECLARATION IN SUPPORT OF FOIA APPEAL IN REGARDS TO U.S. DEPARTMENT OF JUSTICE RESPONSE TO FOIA REQUEST NUMBER FOIA-2016-03570**

Declaration authorized as Evidence under; 28 U.S. Code § 1746 - Unsworn declarations under penalty of perjury (See Federal Rules of Evidence).

Declaration/Unsworn-Affidavit typed by Brian David Hill on Feb. 19, 2017

CC: Office of Professional Responsibility

CC: Office of the Inspector General

I, Brian David Hill, Stella Forinash, Kenneth Forinash, and Roberta Hill, swear in this Declaration that this is the whole truth, nothing but the truth, so help us God.

- 1) Brian D. Hill has received the FOIA Response letter dated February 16, 2017, as well as the enclosed papers that were attached to the letter, from Assistant Director Kevin Krebs, of the Freedom of Information and Privacy Staff working for the 'Executive Office for United States Attorneys' (EOUSA) of the U.S. Department of Justice (U.S. DOJ). On February 18, 2017, Brian and his mother Roberta Hill saw the envelope in the Mailbox and reviewed over the materials received on that day. This statement however was not personally eye-witnessed by Mrs. Stella and neither was Mr. Kenneth. However Brian had phone called Stella to tell her what he had received from that day.
- 2) On February 19, 2017, Brian, Stella, Kenneth, and Roberta reviewed over the papers on the table. We are all aware from reading the FOIA response letter (dated Feb. 16) that 0 pages are withheld in full (WIF). 26 Pages have redactions as it is "released in part (RIP).
- 3) Brian (nobody else eye-witnessed what he described in his original FOIA Request letter) had written a FOIA request for the entire discovery packet, which includes the confession audio and SBI forensic report. SBI stands for State Bureau of Investigation and is in North Carolina.
- 4) Brian, Roberta, Stella, and Kenneth don't believe that this is all from the discovery packet within the U.S. Attorneys record. That is because on January 22, 2015, Brian, Roberta, Stella, and Kenneth all reviewed over the discovery packet materials in Attorney John Scott Coalter's Office, located in Greensboro, North Carolina.
- 5) With some notes that were taken at Mr. Coalter's Office, we are all aware of the existence of the SBI forensic report, from Special Agent Rodney V. White, records showing dates from 2012 to 2013. In fact we were all aware, since January 22, 2015, of the following words in Agent White's report: From SA White's own analysis from Page IV, it claimed that *"454 files had been*

downloaded with the eMule program between July 20, 2012, and July 28, 2013." This is in reference to SBI case file on Brian David Hill, SBI Case No.: 2012-02146 (915). So we all were aware that the SBI forensic report was in the discovery packet of papers handed over to us by paralegal Braxton at Mr. Coalter's Attorney Office. All of us had noticed a CD of my confession (on August 29, 2012) to Mayodan Police was also in the discovery packet, but we had no CD player on-hand to listen to the interrogation/interview. So the audio CD of Brian's confession was in the discovery packet of papers at John Scott Coalter's Attorney Office, but we could not listen to it together without a Jukebox or CD player. However we were aware that both were in the discovery packet of papers for my criminal case United States of America v. Brian David Hill, Case number 1:13-cr-435-1, within the U.S. District Court, for the Middle District of North Carolina. The reason the confession audio CD is important for us to review is to help prove the innocence of Brian David Hill, to prove the confession to be false.

- 6) After reviewing over the materials released, pursuant to FOIA request number FOIA-2016-03570 (U.S. DOJ, EOUSA), and were contained in the envelope received by Brian on February 18, 2017, there was no copy of the confession audio CD record. There was also no N.C. SBI forensic report that we were aware of that was in the discovery packet of the U.S. Attorney's evidence. SBI Special Agent Rodney V. White was involved in the evidence gathering proceedings, as Stella, Roberta, and Kenneth were aware of Brian's emails to N.C. Department of Justice employee J. Joy Strickland, that he had wanted it forwarded to SBI Agent Rodney White. We think it is odd that the SBI forensic report and neither was the confession audio CD, included in the enclosed records in response to Brian's FOIA request. It is also odd the FOIA response letter said that "0 page(s) are withheld in full (WIF)." (Citing the letter from Kevin Krebs). The fact that the SBI report and audio were not included, not even in part, is concerning to us.
- 7) The discovery phase of a criminal case is important in trying to prove the actual innocence of the Defendant in any criminal case. The FOIA request is to find out the truth, to discover the truth. We are concerned that the audio CD and SBI report were not included in the released records from the U.S. Attorney, pursuant to FOIA Request number FOIA-2012-03570.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 19, 2017.	
Brian David Hill (Pro Se) <i>Brian D. Hill</i> 310 Forest Street, Apartment 2 <i>Signed</i> Martinsville, VA 24112	Roberta Hill (Pro Se) 310 Forest Street, Apartment 1 Martinsville, VA 24112 <i>Roberta Hill</i>
Stella Forinash (Pro Se) 916 Chalmers Street, Apartment A Martinsville, VA 24112 <i>Stella Forinash</i>	Kenneth Forinash (Pro Se) 916 Chalmers Street, Apartment A Martinsville, VA 24112 <i>Kenneth R. Forinash</i>